

COMMISSIONERS APPROVAL

CHILCOTT

THOMPSON

LYONS

PLETTENBERG (Clerk & Recorder)

Date.....May 16, 2007

Members Present..... Commissioner Chilcott and  
Commissioner Howard Lyons

Minutes: Beth Farwell

The Board met for the final approval of Mountain View Orchards Block 12, Lot B AP. Commissioner Chilcott reviewed the final plat submittal for Mountain View Orchards Block 12, Lot B AP with the recommendation from Planning Department for approval. Commissioner Lyons made a motion to approve the final plat as submitted. Commissioner Chilcott seconded the motion and all voted "aye".

The Board also met with Fred Thomas and Phil Riley from Western State Insurance for a discussion and approval of the MACo Workers' Compensation Trust Agreement. Fred Thomas began by briefly reviewing the agreement with the Commissioners. He expressed the need for a higher level contract that would take effect July 1<sup>st</sup>. Commissioner Chilcott stated the County would pay 3% of additional premium and costs and MACo would pay the remaining 3%. The results would lower claims. Fred further explained with fewer claims, they could put additional monies back into their budget.

Phil Riley presented an agenda to summarize their goals for the remainder of the year with the Safety Culture Program. He examined the contents in detail with the Commissioners. Commissioner Chilcott questioned if there is a way the County could have one or two members of their personnel trained to do the seminars. Phil replied he could have Pat train personnel although he would prefer to have one of their staff present. Commissioner Chilcott stated it should probably be someone from the Sheriff's Office and Road Department. Fred affirmed that they could review tapes with the Safety Committee. He also added the Road Department has had a safety committee and they try to do what they can. They have become empowered to 'get stuff done'.

Deputy County Attorney Alex Beal then joined the meeting.

Commissioner Chilcott made an inquiry regarding sexual harassment training for all county employees and stress management education. He felt there is a need for resources to help employees recognize signs and symptoms of stress. He further declared he

believes the county is doing better now within the last 5 to 10 years but there is still a need in that regard. Fred countered the county Human Resource Department should have something suitable to access the current situation.

Commissioner Lyons made a motion to approve the JPA Trust Agreement as presented and to appoint Fred Thomas as their agent for Fiscal Year 2008. Commissioner Chilcott seconded the motion and all voted "aye".

Commissioner Lyons made a motion to continue administrative issues until 10:15 a.m. Commissioner Chilcott seconded the motion and all voted "aye".

The Board reconvened at 10:15 a.m. for numerous administrative issues as follows:

- Decision on Middle East Fork Appeal. Commissioner Chilcott summarized the previous discussion for basis of decision. Commissioner Lyons made a motion to grant \$5,000 for the Middle East Fork Appeal, with consideration for four other mentioned parties to match the sum. Commissioner Chilcott seconded the motion and all voted "aye".
- Resolution No. 2106 Budget transfer for \$500 from General Fund line item to another line item. Commissioner Lyons motioned to approve the resolution No. 2106; Commissioner Chilcott seconded the motion and all voted "aye".
- Resolution No. 2107 of appointment of special Deputy County Attorney for State vs. Gary Shook matter DC-07-31. Commissioner Lyons motioned to approve Resolution No. 2107. Commissioner Chilcott seconded the motion and all voted "aye".

In other business, the Commissioners and the Planning Board met for a Land use Law Clinic presentation of research. Minutes of this meeting were taken by the Planning Staff as follows:

**Ravalli County Planning Board  
Meeting Minutes for May 16, 2007**

**3:00 p.m.**

**Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Meeting**

**Land Use Clinic Presentation on the US Highway 93 Corridor  
Discussion on Subdivision Regulation Revisions**

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.*

1. **Call to order**

**Chip** called the meeting to order at 3:04 p.m.

2. **Roll Call (See Attachment A, Roll Call Sheet)**

(A) **Members**

Mary Lee Bailey (present)  
Dale Brown (present)  
Phil Connelly (present)  
Ben Hillicoss (present)  
Dan Huls (present)  
JR Iman (present)  
Lee Kierig (present)  
Maura Murray (present)  
Chip Pigman (present)  
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

(B) **Commissioners**

Greg Chilcott (absent-excused)  
Howard Lyons (present)  
Alan Thompson (absent-excused)

(C) **Staff**

Alex Beal  
Jennifer DeGroot  
Karen Hughes  
Shaun Morrell  
Tristan Riddell  
Laura Robinson  
Renee Van Hoven

3. **Approval of Minutes**

**Chip** asked if there were any corrections or additions to the minutes from May 2, 2007. **Ben** noted there was a wording error on Page 7. The minutes were approved as corrected.

4. **Amendments to the Agenda**

There were none.

## 5. Correspondence

**Karen** stated that prior to this meeting the Planning Department received more than 100 surveys regarding land use in the US Highway 93 Corridor. She said Staff has not been able to review them yet, but it could be the same survey that was taken last summer by the previous Land Use Clinic students. (See Attachment B, Letter from Belle Belanger – The collection of surveys is available at the Planning Department.)

## 6. Public Meeting

### (A) Land Use Clinic Presentation on the US Highway 93 Corridor (with County Commissioners)

#### (i) Presentation

**Karen** stated that Commissioner Chilcott sends his apologies for being unable to attend and that Commissioner Thompson is on vacation. She introduced the University of Montana, School of Law Land Use Clinic. She gave a brief history of how they came to be involved with the Planning Department. She said that their current focus is primarily on suggested design and development standards and wildlife crossing issues, leaving the County to focus on the use/density issues. She stated that this is a preliminary study only intended to be a starting point for discussion.

**Garrett Budds** thanked Karen, the Planning Board, and Staff for the team's invitation to present the project. He then stated that the clinic provides a forum for students to work with clients around the state with regards to land use related projects. He gave a brief overview of the school's history. He introduced his project partners, Kylie Paul, Chad Newman and Joe Shoemaker and gave a brief summary of each one's area of focus within the project. He said that the University of Montana Land Use Clinic was asked to research design and development standards within the US Highway 93 corridor. He stated that the project team developed a series of educational memos that will provide a synthesis of the ideas and concepts which the team has produced throughout the course of their research. He said the conceptual research was produced around a core of three different areas:

- Corridor Residential Standards
- Corridor Commercial Standards
- Corridor Wildlife Standards

He said that Chad developed a map that helped determine the feasibility and applicability of each of the concepts. He said that the project team

would like to talk about concepts of the corridor within a geographic boundary that will be determined by the county. He stated that while they are hopeful that the concepts and tools presented today will be helpful they should not to be construed as a formal proposal, regulation or an ordinance.

He said that they looked at the Executive Summary produced by the Land Use Clinic last year and Ravalli County Growth Policy to try to determine what was important to the Ravalli County residents with regard to residential design and development standards. He offered a few of the concerns noted by the public in the Executive Study:

- Preservation of the view shed
- Maintaining a rural-natural character inherent to the Bitterroot Valley
- Maintaining a community feel throughout the valley and its communities
- Protection of natural resources
- An increase in land use planning to structure and control development
- A protection of open spaces

He said residents wanted to prevent items such as uncontrolled strip development and light and noise pollution.

He stated that to accomplish this in the residential context they researched the ideas of setback and landscape standards as well as lighting standards. Garrett said that with these setbacks and landscaping standards in mind, as a rule, any non-conforming structures would be grandfathered in. He described using setbacks accompanied by landscaping standards to project a corridor style area and help protect the rural feel and the view shed. He stated that the standard would designate a minimum setback distance where no construction would be permitted. Garrett spoke of instances where an alternate setback distance and/or alternative landscaping requirements might be necessary. He said that the setback distance they looked at in the research memo was a minimum of 350 feet.

**Chad Newman** gave a presentation on the maps he had compiled which showed some of the setback standards being discussed. He described a map of Big Creek, north of Victor, which showed wildlife, existing structures, etc.

**Garrett** pointed out the property lines and stated that these properties have a reasonable area to be developed within the property area. He went over the McCalla Creek and North Burnt Fork Creek areas which have sections that could be suitable for development. He discussed

North Fork Bear Creek and said that some flexibility would be needed in this area. He discussed parcels from the Corvallis area to Florence. He said that the residential standard would recognize hardships and might need flexibility in some areas and that it was not intended to be a one-size fits all. He asked the Planning Board to take a look at this issue and consider the concept to see if they want to pursue this type of corridor protection.

**Joe Shoemaker** discussed commercial standards and stated that, like the residential standards, they had taken their cues from the Ravalli County Growth Policy and Executive Summary. He said that it appears that landscaping, parking, lighting and design standards are of high interest. He said that the commercial regulations can be substantially more sophisticated than the residential standards. He talked about lighting and stated that lighting was a concern in these five areas:

- Glare
- Light trespass
- Visual clutter and confusion
- Artificial sky glow
- Energy usage

He said that each of these issues could be addressed by the use of appropriate fixtures, appropriate wattage, minimum and maximum lighting, appropriate ways to light building facades and businesses, maximum heights for light poles in parking lots and setting appropriate times to turn the lights off to allow for time to enjoy the night sky.

He discussed landscape and stated that the primary purpose would be to reclaim the surface that was disturbed during development, to anchor the development that is occurring, and avoid a sea of asphalt in the parking lot areas. He said the project team thought it would be nice to incorporate native species into the landscape and/or those that are well-adapted to the area. He explained well-adapted plants as species that are fairly self-sustaining on the average amount of rainfall to the area. He said some supplemental irrigation would be required especially during the establishment phase. He said that due to the expense, sprinklers might need to be addressed as an installation requirement so that the plant investment is protected. He described the use of green space and soft space, which could be used as a buffer between the public right-of-way and the development including the interior parking lots. He stated that the project team recommends a minimum amount of space, to be determined by the County, which could be covered by landscape.

He talked about off-street parking requirements. He said that the square-footage of the building and the type of business and building

could be used to determine the square-footage for parking requirements. He commented on the square-footage of each parking space, dimension requirements for driving lanes and how far the setback to the parking lot might need to be, which might also need to be landscaped. Joe stated that there were other things to consider, such as what might be the appropriate use of the parking lot: parking only or maybe allowing for seasonal retail or storage. He said that (with commercial regulations) the County has more latitude to be more stringent. He talked about maximum accesses that should be allowed to and from a public right-of-way. He stated that too many access points off the highway might be problematic. He recommended that the Planning Board give an eye to this when going through the process. He suggested that a meeting with MDT might be in order at the start of the process.

He addressed commercial building structure options and asked that consideration be given to the style, such as whether the County would want uniform buildings or those with more of a visual interest. He discussed material options, rooflines, skylines, and interesting angles. He stated that through research he has learned that rooftop materials have to be hidden. He talked about creating a façade with the buildings where one building would appear as multiple buildings. He also discussed accessory buildings and asked if the County would want them to mimic the building they are near or if any style would be acceptable.

**Kylie Paul** presented her work on wildlife aspects of US Highway 93 and land around structures. She discussed road-kill and options for channeling wildlife under the highway using wildlife crossing structures to produce safer wildlife movement. She stated that research shows that wildlife will use the crossing structures, particularly when channeled by the addition of fencing. She said that the ability for the wildlife to cross is necessary due to seasonal requirements for food and cover, search for new mates, and to allow genetic interchange. She stated that MDT is currently in the process of installing 31 wildlife crossing structures on US Highway 93 in Ravalli County in the form of large and small culverts and bridge extensions during retro-fitting. She said that MDT is concerned about land use next to these structures because for animals to use them, they need to feel safe. She said that disturbance from human activities and human structures run the risk of frightening the animals, which in turn would keep them from using the crossings. She said that in these instances if an animal chooses not to use the tunnel, this could prolong human safety issues and be a waste of Montana tax dollars. She said that MDT approached Ravalli County in regards to land use around the crossing structures to help ensure the effectiveness of them. She stated that the method she had worked on was a buffer setback approach within an overlay zoning district. She said that since the crossing structures are permanent and put in for current use by

wildlife, everyone should want to maintain those movements. She said that the overlay zoning districts have very specific regulations that overlay other zoning and that this practice is fairly common throughout the nation. She said that the buffer setback approach would allow safe areas for wildlife by limiting any new disturbance within a specified distance. She said the setback would provide an area where human activities can occur but new structures cannot be added. She stated that items with provisions would be things that wildlife are particularly sensitive to, such as vegetation removal in the buffer, stipulations with pets, fencing, and allowing low-impact recreation and other activities. She said that in order to allow affected land owners the flexibility to which they are entitled, there is a provision to shift density to unrestricted areas of the parcel and if a hardship is incurred there is a variance process suggested in the model. She said that the distances suggested are based on literature on wildlife movement needs, discussions with local and regional wildlife biologists and examples of wildlife habitat regulations across the region. She presented maps with examples and clarified some of the details listed on the maps.

**Garrett** said that the Land Use Clinic would provide electronic copies of their research to the Planning Department, which will then be available to the public.

(ii) Board Discussion

**Phil** asked if the use of frontage roads was considered and stated that they were used across the country as a buffer and to help limit access points.

**Garrett** said this was considered and the project team thought this might take part in a bigger conversation with MDT regarding access points. He stated that there are some neat ideas with cluster commercial developments with access off of a side road and suggested that Ravalli County might offer incentives to encourage developers to take access points off US Highway 93.

**Joe** said these concerns were beyond the scope of the Land Use Clinic's project.

**Bob** requested further discussion on commercial setbacks.

**Joe** said that he was not certain how much of a setback would be appropriate for commercial areas. He suggested landscape development as a shield and a buffer.



**Lee** stated that using a front façade building design would alleviate the appearance of a sea of asphalt.

**Ben** asked Kylie if she had any suggestions for a wildlife setback.

**Kylie** stated that she had come up with a 100-foot buffer on either side of a stream plus an additional 100-foot setback. She stated that it might be too complex to have a buffer and a setback. If so, then she would suggest limiting it to a 150-foot buffer.

**Les** asked if there were State restrictions prohibiting landscaping on the right-of-way in the proximity of existing commercial structures.

**Garrett** stated that he was not sure if this could be taken up independently. He said that he has seen this in other states and believes it is a State function. He suggested the possibility of a multi-jurisdictional approach where the County might work with the State to accomplish this.

**Karen** said that she did not know of anything that would prohibit landscaping, but she believes a situation like this would have to go through the encroachment process to ensure the development would meet with State approval.

**Bob** said that MDT has not maintained the bike-trail in the Florence area and asked who would pay to maintain this in Ravalli County.

**Garrett** stated that this could be worked into a commercial landscape scheme where the businesses would be required to maintain it.

**Ben** stated that the Civic Club has been taking care of this in some areas of Florence, but in others they have an agreement with the State and they take care of it right up to the highway. He stated that he believes this is doable for Ravalli County.

(iii) Public Comment

**Jimmy Canton** stated that the 350-foot residential setbacks would calculate out to about forty acres per mile and asked if these land owners would receive some type of compensation or special tax break. He also stated that 350 feet would consume many individual lots and was concerned about removing all usability.

**Garrett** stated that the Land Use Clinic had not crunched the tax numbers but instead had thrown in some alternative uses such as a required common space or green space within a certain number of

developable structures. He also said that if a property landed entirely in the setback, there would be an alternative for individuals such as a 150-foot setback. He noted there may be sections where this would not be workable.

**Jimmy** asked if the Land Use Clinic had factored in, or if there was any kind of a study to show, the amount of criminal activity in an area based on the amount of light available.

**Garrett** stated that this was not something they had researched.

**Lee** said that there is no substantial study to corroborate the fact that high light decreases crime and in fact, in some areas, it results in an increase of crime. He said that it would be a good idea to create security with cutoff lighting and technology that would activate the lights upon approach. He said that the information and systems are out there for any business owner who might be interested in implementing a high-tech lighting system. He stated that lighting systems are currently being used by security companies.

**Garrett** said that there are many types of lighting, bulbs, directional shields, etc. to consider. He said that using directional shields to down-cast light would keep businesses and residences lit to the satisfaction of owners while getting rid of the sky glow and glare. He stated that there are several organizations that offer information on these types of lighting systems. He said that the Land Use Clinic has enjoyed working on this project and would like to continue to work with Ravalli County.

Meeting was adjourned.